

House Joint Resolution 4 - Introduced

HOUSE JOINT RESOLUTION _____
BY FREVERT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa to provide home rule for school districts.
3 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2070HH 82
5 kh/gg/14

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1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is hereby proposed:
1 3 Article III, legislative department, Constitution of the
1 4 State of Iowa, is hereby amended by adding the following new
1 5 section:
1 6 SCHOOL DISTRICT HOME RULE. SEC. 41. School districts are
1 7 granted home rule power and authority, not inconsistent with
1 8 the laws of the General Assembly, to determine their local
1 9 affairs and government, except that they shall not have power
1 10 to levy any tax unless expressly authorized by the General
1 11 Assembly. The General Assembly may provide for the creation,
1 12 reorganization, or dissolution of school districts.
1 13 If the power of authority of a school district conflicts
1 14 with the power and authority of a municipal corporation or a
1 15 county or a joint county=municipal corporation, the power and
1 16 authority exercised by a municipal corporation, county, or
1 17 joint county=municipal corporation shall prevail within its
1 18 jurisdiction.
1 19 The rule or proposition of law that a school district
1 20 possesses and can exercise only those powers granted in
1 21 express words is not a part of the law of this state.
1 22 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
1 23 amendment to the Constitution of the State of Iowa is hereby
1 24 referred to the General Assembly to be chosen at the next
1 25 general election for members of the General Assembly and the
1 26 Secretary of State is directed to cause the same to be
1 27 published for three consecutive months previous to the date of
1 28 said election as provided by law.

EXPLANATION

1 30 This joint resolution proposes to amend the Constitution of
1 31 the State of Iowa to provide home rule powers and authority
1 32 for school districts. The home rule powers cannot be
1 33 inconsistent with state law and the power to tax is limited to
1 34 those taxes expressly authorized by the general assembly. The
1 35 general assembly reserves the authority to create, reorganize,
2 1 and dissolve school districts. If the power of authority of a
2 2 school district conflicts with the power and authority of a
2 3 municipal corporation or a county or a joint county=municipal
2 4 corporation, the power and authority exercised by a municipal
2 5 corporation, county, or joint county=municipal corporation
2 6 shall prevail within its jurisdiction.
2 7 The resolution, if adopted, would be referred to the next
2 8 general assembly before being submitted to the electorate for
2 9 ratification.
2 10 LSB 2070HH 82
2 11 kh:rj/gg/14.1